

September 18, 2007

Mr. Arthur Hall

RE: Director's Review Request [RULE-07-004]

Dear Mr. Hall:

On September 13, 2007, we received your letter in response to the September 6, 2007 letter from Karen Wilcox, Director's Review Coordinator, informing you the Department of Personnel lacked jurisdiction to consider your request. In your Director's review request, received on August 22, 2007, you alleged the University of Washington violated RCW 41.06.169 and WAC 357-37-040.

In her letter, Ms. Wilcox stated we lacked jurisdiction according to RCW 41.06.170(5). You assert your request is not covered under RCW 41.06.170. I understand the language in RCW 41.06.170 is somewhat confusing because it references an employee's right to appeal disciplinary actions. However, **subsection (2)** also references alleged rule violations as follows:

Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service . . . **or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal . . .**" (emphasis added).

RCW 41.06.170 (5) then notes, "[s]ubsections (1) and (2) of this section **do not apply to any employee who is subject to the provisions of a collective bargaining agreement . . .**"

The Director's review of an alleged rule violation is the first step in the appeal process (WAC 357-49-017). Since you are covered by a collective bargaining agreement, you do not have the right to file such an appeal under the RCW and DOP lacks jurisdiction to consider your request. Therefore, we will consider this matter closed.

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If you have any questions, please contact me at (360) 664-0479.

Sincerely,

Teresa Parsons  
Director's Review Supervisor  
Legal Affairs Division

c: Denise Rollin, UW